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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/576,269	05/22/2000	Michael J. Cummings	A0000278-04-CWA	2684

7590 09/20/2004
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EXAMINER

DEXTER, CLARK F

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 09/20/2004

22

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/576,269

Applicant(s)

CUMMINGS ET AL.

Examiner

Clark F. Dexter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) 5-24, 30, 31, 33, 34, 37-41, 43, 44 and 49-51 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 25-29, 32, 35, 36, 42 and 45-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 16, 17, 18, 21.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. The amendment filed on October 29, 2003 has been entered.

Information Disclosure Statement

2. The information disclosure statements filed on October 29, 2003 (paper no. 16), November 5, 2003 (paper no. 17), December 9, 2003 (paper no. 18) and August 11, 2004 (paper no. 21) have been received and the references listed thereon have been considered.

Claim Rejections - 35 USC § 112

3. Claims 1-4, 25-29, 32, 35, 36 and 42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 2, "body" is vague and indefinite as to what disclosed structure it refers, particularly since the term is not specifically defined in the specification (i.e., what disclosed structure corresponds to the term), and it is suggested in the specification to specify which components correspond to this term.

In claim 32, line 2, "handle" is vague and indefinite as to what disclosed structure it refers, particularly since the term is not specifically defined in the specification (i.e., what disclosed structure corresponds to the term), and it is suggested in the specification to specify which components correspond to this term.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 25-28, 32, 35 and 42 are rejected under 35 U.S.C. 102(b) as being anticipated by Gross, pn 1,551,388.

Gross discloses a shaving assembly with every structural limitation of the claimed invention including a plurality of openings (e.g., 5) that are adjacent and surround the razor cartridge receiving area.

Claim Rejections - 35 USC § 102/103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 45 and 46 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Gross, pn 1,551,388.

Gross discloses a shaving assembly with every structural limitation of the claimed invention as described above. In the alternative, if it is argued that Gross does not disclose a plurality of side walls as set forth in claim 45, the Examiner takes Official notice that such a handle configuration, for example a square/rectangular configuration,

is old and well known in the art and provides various known benefits relative to round handle configurations including allowing a user to "feel" the blade location without having to look at the shaver, e.g., by feeling the wider flat walls. Therefore, it would have been obvious to one having ordinary skill in the art to provide a plurality of side walls for the well known benefits including those described above.

Claim Rejections - 35 USC § 103

8. Claims 4, 29, 36, 47 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gross, pn 1,551,388.

Gross discloses a shaving assembly with almost every structural limitation of the claimed invention but lacks (a) openings/apertures within the razor cartridge receiving area and (b) lacks the razor cartridges permanently secured to the cap of the body.

Regarding (a), the Examiner takes Official notice that it is old and well known in the art to provide openings/apertures within the razor or razor cartridge receiving area for various well known benefits including providing lubricant directly on the blade to further facilitate a smooth and effective shaving action. Pica, pn 2,037,588, Wolpert, pn 2,455,152 and Schauble, pn 4,809,432 are examples of razors with such an opening/aperture configuration. Therefore, it would have been obvious to one having ordinary skill in the art to provide openings/apertures within the razor or razor cartridge receiving area for various well known benefits including those described above.

Regarding (b), the Examiner takes Official notice that it is old and well known in the art to provide such a razor configuration for various well known benefits including

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providing a cartridge configuration for improved safety in handling razors, e.g., during assembly thereof, while substantially eliminating the possibility of losing or misplacing the razor blade of the shaving assembly once assembled (i.e., to the cap). Therefore, it would have been obvious to one having ordinary skill in the art to provide one or more razor cartridges permanently secured to the cap for the well known benefits including those described above.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (703)308-1404. The examiner can be reached Monday through Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on (703)308-1082. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Clark F. Dexter
Primary Examiner
Art Unit 3724

cfd
September 13, 2004